

EXECUTIVE SUMMARY OF HOWARD COUNTY DEVELOPMENT REGULATIONS ASSESSMENT & ANNOTATED OUTLINE

Introduction

The Howard County Development Regulations Assessment & Annotated Outline evaluates the strengths and weaknesses of the county's land development regulations and makes recommendations about how those regulations might be made more user-friendly, internally consistent, and better aligned with the planning goals in **PlanHoward 2030**. Part 1 of the document includes a section-by-section review of the current regulations to identify strengths, weaknesses, and (in some cases) alternative approaches used by other complex counties containing a mix of urban, suburban, and rural areas. Part 2 contains the recommendations for how Howard County might improve, integrate, and restructure those regulations. This Assessment project does not include a review of or recommendations for changes to the Adequate Public Facilities Ordinance.

The Development Regulations Assessment project included extensive interviews with citizens and stakeholder groups and public meetings in March, July, and November 2017. Over 460 members of the public participated in over forty public or stakeholder meetings, and over 700 public comments were received through the project website and during meetings. Summaries of those comments were posted on the county's website each month. An online survey during the summer of 2017 collected over 550 responses identifying what the current regulations do (and do not do) well. The results of these public engagement efforts are reflected in the assessment. This document summarizes the key points of the completed Assessment document posted for public review and comment in January 2018.

PART 1: DIAGNOSIS OF THE CURRENT REGULATIONS

General Comments

Organization and Formatting: Effective land use regulations should be organized to locate and emphasize frequently used information where it can be easily referenced, and should reduce repetition by consolidating related information. The related and overlapping information in the Zoning Regulations and Title 16 Subdivision and Land Development Regulations should be consolidated into a Unified Development Ordinance document.

Organization of Zone Districts: Clarifying the distinctions between different zone districts (such as residential, mixed-use, and non-residential districts), and their availability to property owners during and outside the state-mandated comprehensive rezoning cycles, would significantly improve the user-friendliness of the land development regulations.

Permitted and Conditional Uses: Howard County's lists of permitted and conditional uses in different zone district should be consolidated into fewer categories. Some uses listed in the zone districts should not be treated as specific land uses but as different development layouts that are regulated through dimensional regulations. After consolidation of narrowly defined uses, the remaining list of land uses should be categorized within a logical system of broader land use categories.

Little Used or Obsolete Zone Districts

There are several zone districts that contain little land and few development parcels that could be considered for elimination or consolidation due to their minimal usage. These districts include the CCT, PGCC, R-H-ED, R-SI, SC districts and the I and SW overlay districts.

Rural Zone Districts

Much of the land in western Howard County is in rural zone districts, and the operation of those districts could be significantly improved. Areas for reconsideration and updating include the lists of permitted and conditional uses in the rural districts, buffering in new residential lots adjacent to farms, clarification of the density exchange overlay district tool, and more detailed rural design standards to better protect rural character.

Historic Zone Districts

Howard County's use of specific base zone districts to achieve historic preservation is fairly unique and should be revised. Most newer development codes address historic preservation by consolidating all historic materials in an overlay zone that can be applied over many different base districts. The county should implement this simpler approach, which could be easily expanded to cover additional historic resources in the future.

New Town

New Town zoning is the most unique part of the Howard County zoning regulations. The use of a single zone district to regulate land use in a community of over 100,000 people, and the use of the Comprehensive Sketch Plan (CSP), Final Development Plan (FDP), and Site Development Plan (SDP) system of linked tools, are unusual. Detailed FDPs were an appropriate tool to ensure that the Rouse Company did not lose control of the development, but they are not a tool used in modern land use management of complex communities, because they include vague, poorly defined language in some cases, much too detailed language in other cases, and are too difficult to amend. Projects in downtown Columbia and the village centers are particularly hard to approve and amend. A system that requires multiple iterative rounds of approval to respond to new pressures and opportunities puts Columbia at a significant disadvantage in competing for desired investment. The downtown area is among the most dynamic and most quickly changing, in terms of uses and potential redevelopment. While there is a logical basis for each part of the current Downtown Revitalization process, it is among the most complex we have reviewed, and the current multi-tiered plan approval process for downtown revitalization needs to be simplified and consolidated. In addition, very specific percentage mixes of land uses required in defined areas are inflexible and hard to administer. To maintain the vision, scale, and balance of uses that makes Columbia great, but allow it to compete for redevelopment in a real estate market very different from the 1960s and 1970s, the NT zoning system should be changed in a number of specific ways described in the assessment.

Route 1

Many of the zone districts that line the Route 1 corridor (including the CAC, CE, CLI, and TOD districts) have proven difficult to administer and have produced unintended (and often undesired) consequences. Many of these districts could be replaced with mixed use districts of varying intensities with Route-1-specific development standards.

Conditional Uses

While recent decisions on applications for conditional uses have generated controversy, conditional use regulations are an important tool in newer land development regulations, and we do not recommend that Howard County abandon this tool. Instead, we recommend that the conditional uses listed in this section be integrated into a consolidated table listing all permitted and conditional uses in each zone district, and the lists of available conditional uses and limits on those conditional uses be reviewed to reduce their impacts on nearby residential uses. Several recommendations for specific conditional uses are also included in the assessment.

Design Advisory Panel

The role of the Design Advisory Panel (DAP) should be reviewed and clarified. Many large and complex communities have some sort of design advisory group for large, highly visible, or complex projects. However, advisory design

review should be the exception rather than the norm, and it is fairly unusual to see an advisory design review process applied to some of the uses, zone districts, and plan areas listed in this subtitle. We recommend that the DAP's review role continue and be strengthened for large, visible, or complex projects (particularly along the Route 1 and Route 40 corridors). The role of the DAP in Downtown Columbia and Columbia Village Center redevelopment should be evaluated as part of an overall review and simplification of those unusually complex processes.

The Four Manuals Located Outside the Zoning and Development Regulations (Landscape, Forest Conservation, Route 1 and Route 40 manuals)

Howard County uses four cross-referenced manuals to supplement the land development regulations. While manuals can help simplify the regulations by removing more advisory or technical materials that are not of interest to most readers, they can also create ambiguities. Most seriously, it is often not clear whether the manual requirements are advisory or regulatory, and those ambiguities should be resolved. In addition, the manuals should be reviewed for inadvertent inconsistencies with regulatory provisions.

PART 2: ANNOTATED OUTLINE

This part of the report provides an overview of what the proposed structure and general content of a new Unified Development Ordinance (UDO) for Howard County might look like if the assessment recommendations are implemented. The recommended outline includes a much simpler structure organized into six articles:

- Article 1: General Provisions
- Article 2: Zone Districts
- Article 3: Land Use Regulations
- Article 4: Development Standards
- Article 5: Zoning and Subdivision Procedures
- Article 6: Definitions and Rules of Construction

Zone Districts

This article would organize Howard County's zone districts into five categories: (1) residential, (2) mixed-use (3) non-residential, (4) New Town, and (5) Floating Zones. Unlike the current Zoning Regulations, this article would not list the permitted uses or bulk and dimensional standards applicable to each zone district. To reduce repetition in the current Zoning Regulations, all materials related to permitted and conditional uses in all zone districts would appear in article 3, and all bulk and dimensional standards applicable in all zone districts would appear in article 4. Each base zone district would be described in a two-page spread including a purpose statement, a conceptual drawing of intended scale and character, diagrams showing key parameters and building size and placement, and a section for additional standards that apply only to that district.

Land Use Regulations

This chapter would consolidate all information about permitted and conditional land uses available in each zone districts, as well as any limitations on those uses in specific locations. The information would be organized into a table to facilitate comparisons between available uses in different districts and to reduce the likelihood of internal inconsistencies in land use regulations in the future.

Development Standards

This article would consolidate, reorganize, and update all content in the Zoning Regulations and Subdivision and Land Development Regulations regarding the physical layout and quality of lots and parcels in Howard County. Some

of this content is currently found in the zone district sections, much of it in Section 128.0, some of it in the Sign Regulations in Title 3, Subtitle 5 and some of it in the Route 1, Route 40, Landscape, and Forest Conservation Manuals. The content of this article would focus on mandatory standards and requirements, while advisory text would be located in one of the four manuals or otherwise outside the UDO.

Subdivision Standards: This section would include the substantive standards applied to the creation of new lots, or the replatting of existing lots, with those changes discussed in the Assessment or needed to implement Plan Howard 2030. The separation of zoning from subdivision regulations is a weakness of the current regulations that often results in confusion as to whether given standards apply to only zoning or only the subdivision of land, when in fact the community's practice is to apply the standard to all types of land development.

Neighborhood Protection Standards: This new section would consolidate standards designed to protect low-density residential zone districts from the impacts of adjacent multi-family, institutional, commercial, industrial, agricultural, or mixed-use development. Generally, these provisions would apply to the use that arrives second in time (i.e. the use that locates in an area where impacts from a differing adjacent land use could be anticipated).

Incentives: This new placeholder section would list any development incentives offered by the County in return for development that goes beyond the minimum requirements of the UDO to further promote specific County planning goals. In light of pressures on agriculture, rural character, and open space, incentives are sometimes offered for exceptional contributions to those goals.

Zoning and Subdivision Procedures

This article would address how Howard County reviews development proposals, makes development decisions, enforces the UDO, and treats uses and buildings that were legally created, but that for some reason do not comply with the new standards and requirements of the UDO.

Summary Table of Procedures: This section would consolidate information about each type of application, permit, or approval required by the UDO, the type of public notice required for that type of decision, which department or body reviews the application, who makes the decision, and who hears the appeal (if any) from the decision, and would cross-reference the section providing more detail on that specific type of application.

Common Procedures: This section would consolidate general procedural material that apply to several types of zoning, subdivision, and land development approvals (such as standards for public notices and hearings), which would allow repetitious materials to be removed from many sections of the UDO.

Specific Procedures: This section would outline the process for reviewing each type of application for a permit or approval that may be issued under the UDO. A subsection for each specific procedure would describe the steps in the review and approval process, identify the reviewers and decision-maker involved, and list the criteria to be used in making the decision. Criteria for making each type of decision would be reviewed to make them as clear, objective, and predictable as possible.

Conclusion

Addressing the weaknesses in Howard County's land development regulations as outlined in Part 1, and organizing the updated regulations as shown in Part 2, would make those regulations more user-friendly, improve the consistency of county land use decisions, and help achieve the goals of **PlanHoward 2030**.